

TUESDAY, DECEMBER 20, 2022

Pursuant to law, the Board of Commissioners met on Tuesday, December 20, 2022 at 9:00 a.m. in the Board of Commissioner's Room and were called to order by the Chairperson.

Pledge of Allegiance

Invocation

PRESENT: Margaret Batzer, Jeff Dontz, Karen Goodman, Pauline Jaquish, and Richard Schmidt

ABSENT: Eric Gustad, Nikki Koons

APPROVE MEETING AGENDA

9:01am – Eric Gustad present

Moved by Schmidt, seconded by Goodman to approve the Meeting Agenda as amended.

Motion Carried

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CONSENT AGENDA

Moved by Batzer, seconded by Schmidt to approve the Consent Agenda which includes the minutes of the November 15, 2022 Board meeting, as amended, the closed session minutes of the November 15, 2022 Board meeting and the December 2022 monthly appropriations and fund transfers.

YEAS: 6 Batzer, Dontz, Goodman, Gustad, Jaquish, Schmidt

NAYS: 0 None

ABSENT: 1 Koons

Motion Carried

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PUBLIC COMMENT

Bob Rishel, Manistee County Road Commission Chairperson
Phil Landis, Manistee County Road Commission Applicant
Jeff Lawrence, Manistee County Road Commission Applicant

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RECONGNITION & ANNOUNCEMENTS

Each December, the Manistee County Board of Commissioners recognize County/Court employees and Elected Officials who have achieved landmark years of service. The following individuals will be recognized by the Board of Commissioners and receive awards based on years of service at today's Board of Commissioners meeting.

5 YEAR AWARDS

Carly Bailey	Juvenile Director	19 th Circuit Court – Family Div.
Michele Chesebro	District Court Clerk/Acct Clerk	85 th District Court
Julie Cirone	Assistant Director	Library
Debra Greenacre	Executive Director	Library
Kristyn Malkowski	Executive Secretary	Administration
Theresa McDaniels	Probation Clerk	85 th District Court
Vincent Quaglia	Court Reporter	19 th Circuit Court
Jason Traeger	Liaison Officer	Sheriff's Office

10 YEAR AWARDS

Nancy Baker	Planning Dept. Sec/Asst to Planner	Planning Department
Debra Nalley	Deputy Clerk	Clerk's Office
Lisa Sagala	Controller/Administrator	Administration

15 YEAR AWARDS

Hon. Thomas Brunner	District/Probate Judge	85 th District/Probate Court
Karen Feliczak	Deputy Court Administrator	19 th Circuit Court
Brandon Gillispie	Deputy	Sheriff's Office
Brian Gutowski	Sheriff	Sheriff's Office
Jason Haag	Prosecutor	Prosecuting Attorney's Office
Patricia Heins	Court Administrator	19 th Circuit Court
Rachel Nelson	Treasurer	Treasurer's Office
Kellie Robinson	Juvenile Probation Officer	19 th Circuit Court – Family Div.

20 YEAR AWARDS

Mindy Dalke	Chief Deputy	Treasurer's Office
Candy Dancz	Deputy Treasurer	Treasurer's Office
Holly Garber	Deputy/19 th Cir. Court Clerk	Clerk's Office

2022 RETIREES:

Jill Nowak retired on May 31, 2022, from the Manistee County Clerk's Office as the County Clerk. She began employment on August 08, 1994 and had 27 years and 11 months of service.

Marylynn Wrzesinski retired on May 31, 2022, from the Manistee County Register of Deed's Office as the Register of Deeds. She began employment on June 01, 2007 and had 15 years of service.

Mike Machen, Manistee County 911 Director appeared before the Board to present Jessica Witkowski with a Stork Pin. On Monday, November 7th, 2022, at 9:53am Dispatcher Jessica Witkowski received a 911 call for a female going into labor. Witkowski quickly gained control of the call and was able to keep both individuals involved calm enough to receive instructions. Witkowski effectively gave Child Delivery instructions based on Manistee County 911's Emergency Medical Dispatch protocols. Once the child was delivered, Witkowski continued to give appropriate instructions to keep baby and mother in good condition until Emergency Medical Services arrived. Witkowski's calm demeanor, quick reactions, and clear instructions helped ensure this incident went as well as possible prior to EMS arrival. Manistee County 911 would like to present Dispatcher Jessica Witkowski with a Stork Pin, in recognition of her

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professionalism and effectiveness during this incident. Her work on this call is in line with the standards set at Manistee County 911 for the continued excellent service to be provided to Manistee County and its residents.

9:10am – Nikki Koons present

TREASURER’S REPORT

Rachel Nelson, Manistee County Treasurer, appeared before the Board to present the annual report for the Manistee County Land Bank.

POLICY COMMITTEE REPORT/NOVEMBER 18, 2022

Karen Goodman presented the Policy Committee Report of November 18, 2022.

No Action Items.

The Pay for Performance Merit Program Guidelines first draft was reviewed. The Starting Wage Policy first draft was reviewed.

Moved by Koons, seconded by Batzer to approve the Policy Committee meeting minutes of November 18, 2022.

Motion Carried

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WAYS & MEANS COMMITTEE REPORT/DECEMBER 7, 2022

Margaret Batzer presented the Ways & Means Committee Report of December 7, 2022.

FINANCE REPORT

Board of Commissioners
Manistee County
Manistee, Michigan 49660

We hereby submit claims for November 1, 2022 through November 30, 2022 and a summary of the On-Demand checks for their review and approval. The totals are as follows:

		11/01/2022 THRU 11/30/2022	ON DEMAND	TOTAL
FUND #	FUND NAME			
101	GENERAL FUND	\$ 188,326.87	\$	188,326.87
102	BUDGET STABILIZATION FUND		\$	-
201	COUNTY ROAD FUND		\$	-
208	PARK/RECREATION FUND-TRAILS		\$	-
213	AIS GRANT FUND		\$	-
214	BEAR LAKE IMPROVEMENT FUND		\$	-
215	FRIEND OF THE COURT FUND		\$	-

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216	DEPARTMENT CONTINGENCY FUND			\$	-
217	LOCAL REVENUE SHARING GRANT FUND			\$	-
225	RECYCLING FUND	\$	1,175.00	\$	1,175.00
232	MANISTEE COUNTY DIVE EQUIPMENT FUND			\$	-
233	SHERIFF DEPT. FORFIET ASSETS FUND			\$	-
234	FAMILY COUNSELING SERVICES FUND			\$	-
235	MEDICAL SUPPORT INCENTIVE FUND			\$	-
236	MAINTENANCE OF EFFORT FUND	\$	6,551.80	\$	6,551.80
237	HOMELAND SECURITY GRANT FUND			\$	-
238	LAND BANK AUTHORITY FUND	\$	243.50	\$	243.50
239	US FISH & WILDLIFE GRANT			\$	-
242	BROWNFIELD REDEVELOPMENT-JOSLIN COVE	\$	171.00	\$	171.00
243	BROWNFIELD REDEVELOPMENT AUTHORITY FUND			\$	-
245	OHSP GRANT FUNDS			\$	-
251	CAPITAL IMPROVEMENT FUND	\$	22,727.25	\$	22,727.25
256	REGISTER OF DEEDS AUTOMATION FUND	\$	1,144.42	\$	1,144.42
260	INDIGENT DEFENSE FUND	\$	6,667.11	\$	6,667.11
266	LAW ENFORCEMENT TRAINING FUND	\$	781.75	\$	781.75
269	LAW LIBRARY FUND	\$	569.10	\$	569.10
272	COMMUNITY CORRECTIONS - 511	\$	600.01	\$	600.01
277	AIR PHOTO FUND	\$	2,485.00	\$	2,485.00
280	HEALTH INSURANCE FUND	\$	139,037.07	\$	1,778.19
292	CHILD CARE FUND	\$	5,658.45	\$	5,658.45
293	SOLDIERS & SAILORS RELIEF FUND	\$	603.16	\$	603.16
295	AIRPORT AUTHORITY FUND	\$	49,552.73	\$	49,552.73
296	JUVENILE JUSTICE FUND	\$	1,250.00	\$	1,250.00
297	COMPENSATED SERVICES FUND	\$	16,551.43	\$	150,841.08
620	FORECLOSURE FUND	\$	875.00	\$	875.00
701	TRUST AND AGENCY FUND	\$	6,580.16	\$	6,580.16
737	OPEB TRUST FUND	\$	22,252.00	\$	325.83

TOTALS	\$	473,802.81	\$	152,945.10	\$	626,747.91
(Includes 2 accounts payable runs; on demand checks)						

TOTAL PAYROLL FOR 11/01/22 THRU 11/30/22	\$	557,054.01
(includes 2 payrolls)		

Employee Separation Payouts
Alvin Rischel - (9-1-1)

GRAND TOTAL	\$	<u>1,183,801.92</u>
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Moved by Batzer, seconded by Gustad to approve the on-demand checks, bills and payroll, be accepted in the amount of \$1,183,801.92 and that the same be placed on file.

YEAS: 7 Dontz, Goodman, Gustad, Jaquish, Koons, Schmidt, Batzer

NAYS: 0 None

Motion Carried

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MANISTEE COUNTY CODE ENFORCEMENT OFFICER SERVICES AGREEMENT

Moved by Batzer, seconded by Gustad to approve the Manistee County Code Enforcement Officer Services Agreement between Manistee County and Glen Zaring in the amount not to exceed \$15,000 or 750 hours of work.

YEAS: 7 Goodman, Gustad, Jaquish, Koons, Schmidt, Batzer, Dontz

NAYS: 0 None

Motion Carried

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MANISTEE COUNTY SOIL EROSION AND SEDIMENTATION CONTROL

INSPECTION SERVICES AGREEMENT

Moved by Batzer, seconded by Gustad to approve the Manistee County Soil Erosion and Sedimentation Control Inspection Services Agreement between Manistee County and Glen Zaring in the amount not to exceed \$10,000.

YEAS: 7 Gustad, Jaquish, Koons, Schmidt, Batzer, Dontz, Goodman

NAYS: 0 None

Motion Carried

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AMENDED CONTRACT BETWEEN MANISTEE COUNTY

AND MANISTEE COUNTY CONSERVATION DISTRICT

Moved by Batzer, seconded by Gustad to approve the amended contract between Manistee County and Manistee County Conservation District with the amount of \$28,000.00 adjusted to \$33,124.43 effective December 20, 2022.

YEAS: 7 Jaquish, Koons, Schmidt, Batzer, Dontz, Goodman, Gustad

NAYS: 0 None

Motion Carried

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COUNTY CLERK REQUEST FOR CONTINGENCY FUNDS

Moved by Batzer, seconded by Gustad to approve the use of County Clerk contingency funds for the purchase of an electric seal embosser in the amount not to exceed \$1,900.

YEAS: 7 Koons, Schmidt, Batzer, Dontz, Goodman, Gustad, Jaquish
NAYS: 0 None

Motion Carried

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USE OF FUNDS FROM TITLE III – COUNTY FUNDS

Moved by Batzer, seconded by Gustad to approve up to \$60,000 out of Title III – County Funds for the purchase of two snowmobiles and a trailer.

YEAS: 7 Schmidt, Batzer, Dontz, Goodman, Gustad, Jaquish, Koons
NAYS: 0 None

Motion Carried

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**RENEWAL POLICY WITH MICHIGAN MUNICIPAL
RISK MANAGEMENT AUTHORITY (MMRMA)**

Moved by Batzer, seconded by Gustad to approve the policy with Michigan Municipal Risk Management Authority (MMRMA) for the period of January 1, 2023 to January 1, 2024.

YEAS: 7 Batzer, Dontz, Goodman, Gustad, Jaquish, Koons, Schmidt
NAYS: 0 None

Motion Carried

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Moved by Batzer, seconded by Gustad to accept the Ways & Means Committee Minutes of December 7, 2022.

Motion Carried

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AIRPORT AUTHORITY APPOINTMENT

One (1) vacancy for a three (3) year term, commencing January 1, 2023 and expiring December 31, 2025. This vacancy is representing the City.

Applicants: George Becker

Moved by Schmidt, seconded by Koons to appoint George Becker to the Airport Authority representing the City for a three (3) year term, commencing January 1, 2023 and expiring December 31, 2025.

YEAS: 7 Dontz, Goodman, Gustad, Jaquish, Koons, Schmidt, Batzer
NAYS: 0 None

Motion Carried

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LAND BANK AUTHORITY APPOINTMENT

One (1) vacancy for a three (3) year term, commencing January 1, 2023 and expiring December 31, 2025. This vacancy is for an At-Large position.

Moved by Koons, seconded by Schmidt to appoint Julie Griffis to the Land Bank Authority for a three (3) year term, At-Large position, commencing January 1, 2023 and expiring December 31, 2025.

YEAS: 7 Goodman, Gustad, Jaquish, Koons, Schmidt, Batzer, Dontz
NAYS: 0 None

Motion Carried

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LIBRARY BOARD APPOINTMENT – UNEXPIRED TERM

One (1) vacancy to fill an unexpired five (5) year term, commencing immediately and expiring December 31, 2023.

Moved by Batzer, seconded by Schmidt to appoint Ralph Mortensen to the Manistee County Library Board, to fill an unexpired five (5) year term, commencing immediately and expiring December 31, 2023.

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YEAS: 7 Jaquish, Koons, Schmidt, Batzer, Dontz, Goodman, Gustad
NAYS: 0 None

Motion Carried

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LIBRARY BOARD APPOINTMENT

One (1) vacancy for a five (5) year term, commencing January 1, 2023 and expiring December 31, 2027.

Moved by Koons, seconded by Gustad to appoint Terry Bennett to the Manistee County Library Board, for a five (5) year term commencing January 1, 2023 and expiring December 31, 2027.

YEAS: 7 Jaquish, Koons, Schmidt, Batzer, Dontz, Goodman, Gustad
NAYS: 0 None

Motion Carried

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PARKS AND RECREATION COMMISSION APPOINTMENT

Two (2), At-Large vacancies each to serve a three (3) year term commencing January 1, 2023 and expiring December 31, 2025.

Moved by Batzer, seconded by Koons to appoint Harold Beldo and Linda Cudney to the Manistee County Parks and Recreation Commission each to serve a three (3) year term commencing January 1, 2023 and expiring December 31, 2025.

YEAS: 7 Koons, Schmidt, Batzer, Dontz, Goodman, Gustad, Jaquish
NAYS: 0 None

Motion Carried

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ROAD COMMISSION APPOINTMENT

Two (2) vacancies each to serve a six (6) year term commencing January 1, 2023 and expiring December 31, 2028.

Todd Humphrey addressed the Board.
Phillip Landis addressed the Board.
Jeffrey Lawrence addressed the Board.

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Five (5) Applicants:

Todd Humphrey Phillip Landis Jeffrey Lawrence
Michael Picchiotti Thomas Picchiotti

An Applicant must receive at least four (4) votes to be appointed.

1st vote on 1st vacancy

Humphrey 3 Landis 3 Lawrence 1

2nd vote on 1st vacancy

Humphrey 3 Landis 4

Mr. Landis received at least four (4) votes. Therefore, Mr. Landis is appointed to one of the Road Commission vacant positions to serve a six (6) year term commencing January 1, 2023 and expiring December 31, 2028.

1st vote on 2nd vacancy

Humphrey 1 Lawrence 6

Mr. Lawrence received at least four (4) votes. Therefore, Mr. Lawrence is appointed to the second vacant Road Commission position to serve a six (6) year term commencing January 1, 2023 and expiring December 31, 2028.

MANISTEE CONSERVATION DISTRICT ANNUAL REPORT

Renee Mallison, Manistee Conservation District appeared before the Board to provide an annual report for the Manistee Conservation District.

PERSONNEL COMMITTEE MINUTES/DECEMBER 2, 2022

Karen Goodman presented the Personnel Committee meeting minutes of December 2, 2022.

No Action Items.

Moved by Goodman, seconded by Gustad to approve the Personnel Committee meeting minutes of December 2, 2022.

Motion Carried

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PUBLIC SAFETY COMMITTEE MINUTES/DECEMBER 2, 2022

Pauline Jaquish presented the Public Safety Committee meeting minutes of December 2, 2022.

MOBILE MEDICAL RESPONSE (MMR) REPRESENTATIVE ON 911 BOARD

Moved by Schmidt, seconded by Koons to add a Mobile Medical Response (MMR) representative on the 911 Board.

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YEAS: 7 Dontz, Goodman, Gustad, Jaquish, Koons, Schmidt, Batzer
NAYS: 0 None

Motion Carried

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Moved by Jaquish, seconded by Batzer to approve the Public Safety Committee meeting minutes of December 2, 2022.

Motion Carried

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GREEN TEAM COMMITTEE MINUTES/DECEMBER 8, 2022

Margaret Batzer presented the Green Team Committee meeting minutes of December 8, 2022
No Action Items.

Moved by Batzer, seconded by Koons to approve the Green Team Committee meeting minutes of December 8, 2022.

Motion Carried

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RESOLUTION #2022-15

MANISTEE COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO APPROVE SETTLEMENT AGREEMENT:
WAYSIDE CHURCH, *et al* v VAN BUREN COUNTY, *et al*
WESTERN DISTRICT OF MICHIGAN CASE NO. 1:14-CV-01274**

Minutes of a regular meeting of the Board of Commissioners of MANISTEE County, Michigan, held in the MANISTEE County Courthouse, in Manistee, Michigan, on the 20th of December, 2022.

PRESENT: Batzer, Dontz, Goodman, Gustad, Jaquish, Koons, Schmidt
ABSENT: None

The following resolution was offered by Commissioner Gustad and supported by Commissioner Goodman:

WHEREAS, Wayside Church, *et al*, filed a class action complaint against a number of counties in the United States District Court for the Western District of Michigan in Civil Action No. 1:14-cv-01274 (“Complaint”); and

WHEREAS, Parties have been exploring and preparing defenses and participating in settlement negotiations under the oversight of the 6th Circuit Court of Appeals Mediation process; and,

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WHEREAS, the parties are desirous of avoiding future litigation and controversy and after extensive negotiations, have agreed to certain terms and conditions set forth in the Settlement and Release Agreement, subject to approval by the Court, and as outlined by counsel; and

WHEREAS, the County understands that the Settlement and Release Agreement is a compromise of a disputed claim and that payment(s) made and conditions state therein are not to be construed as an admission of liability on the part of the parties being released by who all liability is expressly denied; and,

WHEREAS, after consultation with legal counsel, and the County Treasurer and upon the recommendation and endorsement of the Settlement by each, the County believes it is in the best interests of the citizens of MANISTEE County to resolve the litigation in accordance with the Settlement and Release Agreement, subject to approval by the Court.

THEREFORE, BE IT RESOLVED, that the MANISTEE County Board of Commissioners approves entering into the Settlement and Release Agreement in connection with Civil Action No. 1:14-cv-01274, subject to approval by the Court.

BE IT FURTHER RESOLVED, that the Chairperson of the Board of Commissioners, the Treasurer or counsel are hereby authorized to sign the Settlement and Release Agreement on behalf of MANISTEE County, subject to approval by the Court.

Moved by Gustad, seconded by Goodman to adopt Resolution #2022-15, Resolution to Approve Settlement Agreement: Wayside Church, et al v Van Buren County, et al Western District of Michigan Case No. 1:14-CV-01274.

YEAS: 7 Goodman, Gustad, Jaquish, Koons, Schmidt, Batzer, Dontz

NAYS: 0 None

Motion Carried

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P.A. 69 RECYCLING PROGRAM INTERLOCAL AGREEMENTS

Moved by Batzer, seconded by Gustad to approve the Recycling Program Interlocal Agreement between the County of Manistee and Bear Lake Township for a one (1) year period beginning January 1, 2023.

YEAS: 7 Gustad, Jaquish, Koons, Schmidt, Batzer, Dontz, Goodman

NAYS: 0 None

Motion Carried

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Moved by Batzer, seconded by Gustad to approve the Recycling Program Interlocal Agreements between Manistee County and the townships of Brown, Cleon, Marilla, Onkama, Pleasanton and Stronach for a two (2) year period beginning January 1, 2023.

YEAS: 7 Jaquish, Koons, Schmidt, Batzer, Dontz, Goodman, Gustad

NAYS: 0 None

Motion Carried

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STRATEGIC PLAN UPDATE

The Strategic Plan Goal #6 was reviewed and updated.

MISCELLANEOUS CONTROLLER AND BOARD ITEMS

Ms. Sagala reminded the County Board that the Organization Meeting for 2023 is scheduled for Tuesday, January 3, 2023 at 9:00 a.m.

Commission Pauline Jaquish was thanked for her services to the citizens of Manistee County and wished the best in future endeavors.

PUBLIC COMMENT

Alvin Rishel addressed the Board.
Bob Rishel addressed the Board.

Adjourn at the Call of the Chair at 11:24 a.m.

/s/ Lindsey Marquardt Clerk
Lindsey Marquardt